

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

AVORY WILLIAMS, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 2:24-cv-00741

UPS,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to United States Magistrate Judge Dwane L. Tinsley for submission of proposed findings of fact and recommendations for disposition pursuant to 28 U.S.C. § 636. On March 18, 2025, Magistrate Judge Tinsley submitted his Proposed Findings & Recommendations [ECF No. 10] (“PF&R”) and recommended that the court grant Defendant’s Rule 12(b)(6) Motion to Dismiss, [ECF No. 5], as unopposed, and dismiss this civil action with prejudice pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

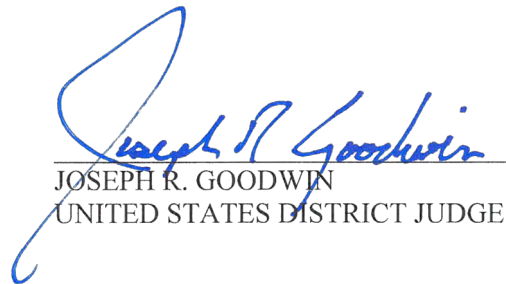
A district court “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b)(1)(C). This court is not, however, required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985).

Because the parties have not filed objections in this case, the court adopts and incorporates herein the PF&R and orders judgment consistent therewith. The court **GRANTS** Defendant’s Rule

12(b)(6) Motion to Dismiss, [ECF No. 5] as unopposed, and **DISMISSES** this civil action **WITH PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

The court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: April 3, 2025



JOSEPH R. GOODWIN
UNITED STATES DISTRICT JUDGE